

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

HARRISON COMPANY, LLC

§

Plaintiff,

§

vs.

§

Civil Action No.: 3:19-cv-01057

A-Z WHOLESALERS, INC., and  
BARKAT G. ALI

§

Defendants.

§

**DEFENDANTS' DESIGNATION OF ATTORNEYS' FEE EXPERTS**

Defendants, A-Z Wholesalers, Inc. and Barkat G. Ali ("Defendants"), designate the following expert witnesses:

Lars L. Berg  
KELLY HART & HALLMAN LLP  
201 Main Street, Suite 2500  
Fort Worth, Texas 76102  
(817) 878-3524

Joyce Lindauer  
JOYCE W. LINDAUER ATTORNEY, PLLC  
12720 Hillcrest Suite 625  
Dallas, TX 75230  
(214) 957-8039

Mr. Berg and Ms. Lindauer will testify about the reasonableness and necessity of attorneys' fees incurred by Defendants, and if necessary, rebuttal testimony about any attorneys' fees claims by Plaintiff.

Mr. Berg and Ms. Lindauer will base their testimony on their experience as an attorney, his work on this case, and his familiarity with fees charged in similar matters. His opinions will further be based on the criteria established by the Code of Professional Responsibility and common law.

The subject matter about which Mr. Berg and Ms. Lindauer are expected to testify include: all matters related to the subject of attorneys' fees; what the reasonable and necessary amount of attorneys' fees would be for the handling all of the claims and defenses asserted by the parties in this Lawsuit; whether the attorneys' fees incurred or the time and activities undertaken by the attorneys in this matter were reasonable and necessary; the reasonableness and necessity of any claimed attorneys' fees; and segregation and inseparability of fees.

The mental impressions and opinions held by Mr. Berg and Ms. Lindauer concern the reasonableness and necessary attorneys' fees incurred to prosecute and defend all the claims and defenses asserted in this Lawsuit through the time of trial in Dallas County, Texas and through a final appeal; that the Attorneys' Fees Experts have had experience handling, prosecuting and

defending cases similar to this case; whether the rates charged by Plaintiff's and Defendants' attorneys and paralegals in this case are fair and reasonable in Dallas County, Texas in particular; and whether the work Plaintiff's and Defendants' attorneys performed was reasonable and necessary.

In addition to their testimony about the necessity and reasonableness of (i) the number of hours spent and (ii) the hourly rates charged, Mr. Berg and Ms. Lindauer may also express opinions regarding the following issues on attorneys' fees, including the facts and law supporting those opinions:

1. The necessity of the fees incurred.
2. The reasonableness of the fees incurred, including the base (hours worked and the amount charged per hour), the description of the work performed, whether the work was necessary to the prosecution or defense of the case (or both), and whether the fees were reasonable. They will also testify regarding the reasonable hourly rate prevailing in the county for similar work.
3. Adjustment factors include:
  - a. The time and labor required, the novelty and the difficulty of the questions involved, and the skill required to perform the legal services properly;
  - b. The likelihood that the acceptance of the particular employment precluded other employment by the lawyers;
  - c. The fee customarily charged in the locality for similar legal services;
  - d. The amount involved and the results obtained;
  - e. The time limitations imposed by the client or the circumstances;
  - f. The nature and length of the professional relationship with the client;
  - g. The experience, reputation, and ability of the lawyers performing the services; and
  - h. Whether the fee is fixed or contingent on results obtained and the uncertainty of collection before the legal services have been rendered.

Mr. Berg and Ms. Lindauer will also testify about the propriety of adjusting the lodestar amount of fees by the *Johnson Factors*. *See El Apple I, Ltd. v. Olivas*, 370 S.W. 3d 757 (Tex. 2012). Additionally, he will also provide expert testimony at trial about the segregation of fees and inseparability of fees. Such testimony will be in accord with *Tony Gullo Motors I, L.P. v. Chapa*, 212 S.W.3d 299 (Tex. 2006) and *A.G. Edwards & Sons, Inc. v. Beyer*, 235 S.W.3d 704 (Tex. 2007). Further, Mr. Berg will similarly testify about fees that will be incurred if the case is appealed.

The precise nature of the opinions of Mr. Berg and Ms. Lindauer are not yet known because the case is still ongoing and because all of the documents and testimony needed to formulate their full opinions are not available.

Respectfully submitted,

/s/ Lars L. Berg

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**ATTORNEYS FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

I certify that on the 19th day of December, 2019, I served this document on all counsel of record via ECF system and/or email.

/s/ Lars L. Berg

Lars L. Berg